

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS KUTTERER,
Plaintiff,

v.

SOLANO COUNTY JAIL,
Defendant.

No. 2:23-cv-1214 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

On August 17, 2023, the court reviewed plaintiff's second application to proceed in forma pauperis. Plaintiff was informed the application was deficient in that the "certificate" portion of the request which must be completed by plaintiff's institution of incarceration had not been filled out. This deficiency also appeared in plaintiff's first application to proceed in forma pauperis. Plaintiff was granted leave to file a third application and was warned "[i]f the certificate portion of the third application to proceed in forma pauperis is not filled out, or if the application is not complete in some other respect, the court will recommend that this action be dismissed without prejudice."

Plaintiff submitted his third application on August 31, 2023, and the "certificate" portion is still not complete.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to proceed in forma pauperis (ECF No. 9) is denied; and
2. The Clerk of the Court assign a District Court Judge to this case.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: September 28, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE